

Regulation 1312.1: Complaints Concerning District Employees

Status: ADOPTED

Original Adopted Date: 04/08/2013 | **Last Reviewed Date:** 04/08/2013

The Superintendent or designee shall determine whether a complaint should be considered a complaint against the district and/or an individual employee, and whether it should be resolved by the district's process for complaints concerning personnel and/or other district procedures.

To promote prompt and fair resolution of the complaint, the following procedures shall govern the resolution of complaints against district employees:

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, the complainant should communicate directly to the employee in order to resolve concerns.
2. If a complainant is unable or unwilling to resolve the complaint directly with the employee, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal.
3. All complaints related to district personnel other than administrators shall be submitted in writing to the principal or immediate supervisor. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so. Complaints related to a principal or central office administrator shall be initially filed in writing with the Superintendent or designee. Complaints related to the Superintendent shall be initially filed in writing with the Board.
4. When a written complaint is received, the employee shall be notified within five days or in accordance with collective bargaining agreements.
5. A written complaint shall include:
 - a. The full name of each employee involved
 - b. A brief but specific summary of the complaint and the facts surrounding it
 - c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter
6. Staff responsible for investigating complaints shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days.
7. Both the complainant and the employee against whom the complaint was made may appeal a decision by the principal or immediate supervisor to the Superintendent or designee, who shall attempt to resolve the complaint to the satisfaction of the person involved within 30 days. Parties should consider and accept the Superintendent or designee's decision as final. However, the complainant, the employee, or the Superintendent or designee may ask to address the Board regarding the complaint.
8. Before any Board consideration of a complaint, the Superintendent or designee shall submit to the Board a written report concerning the complaint, including but not limited to:
 - a. The full name of each employee involved
 - b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response
 - c. A copy of the signed original complaint
 - d. A summary of the action taken by the Superintendent or designee, together with his/her specific finding that the problem has not been resolved and the reasons
9. The Board may uphold the Superintendent's decision without hearing the complaint.
10. All parties to a complaint may be asked to attend a Board meeting in order to clarify the issue and present all available evidence.
11. A closed session may be held to hear the complaint in accordance with law.

12. The decision of the Board shall be final.

Any complaint of child abuse or neglect alleged against a district employee shall be reported to the appropriate local agencies in accordance with law, Board policy and administrative regulation.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
Ed. Code 33308.1	Guidelines on procedure for filing child abuse complaints - https://simbli.eboardsolutions.com/SU/pgUau9aWex5qQBjplusscAIGQ==
Ed. Code 35146	Closed sessions - https://simbli.eboardsolutions.com/SU/faH69lwwLAJf8Pqslshf87uhg==
Ed. Code 44031	Personnel file contents and inspection - https://simbli.eboardsolutions.com/SU/fM4Aplus8QNx9VcNqdAnloxRw==
Ed. Code 44811	Disruption of classwork or extracurricular activities - https://simbli.eboardsolutions.com/SU/WEI49fE73slshn4LFEa6HOSGw==
Ed. Code 44932-44949	Resignation, dismissal and leaves of absence (rights of employee; procedures to follow) - https://simbli.eboardsolutions.com/SU/t58pmuN1UoBGqKr4eb7iEA==
Ed. Code 48987	Child abuse guidelines - https://simbli.eboardsolutions.com/SU/5Umc4hnfEiwGplusj12ym3vxQ==
Gov. Code 54957	Closed session; complaints re employees - https://simbli.eboardsolutions.com/SU/slshHI9rGplusU5KWWytZk9AyVpA==
Gov. Code 54957.6	Closed sessions regarding employee matters - https://simbli.eboardsolutions.com/SU/MkNHdhmwOzofoaWq9tbc5Q==
Pen. Code 11164-11174.3	Child Abuse and Neglect Reporting Act - https://simbli.eboardsolutions.com/SU/d2kLxTbwIOmuFq7YpUplusplusqA==
Pen. Code 273	Cruelty or unjustifiable punishment of child - https://simbli.eboardsolutions.com/SU/mTwvaKm9tEHJzHCSKilTKg==
W&I Code 300	Minors subject to jurisdiction of juvenile court - https://simbli.eboardsolutions.com/SU/tikb1GZidxlshtubKJ1IAOpA==

Management Resources References

	Description
Court Decision	Baca v. Moreno Valley Unified School District, (1996) 936 F. Supp. 719
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==

Cross References

	Description
1100	Communication With The Public - https://simbli.eboardsolutions.com/SU/OaplusQ5EvVN5EhQIPsRtFgig==
1250	Visitors/Outsiders - https://simbli.eboardsolutions.com/SU/GSLVcblUICplus79sH3FZxPuw==
1312.2	Complaints Concerning Instructional Materials - https://simbli.eboardsolutions.com/SU/yQ8dqEz5pVhWO69nZ0lveA==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/jTXa27ru6jYMNEnhEslshd46A==
1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/sAne3rIX9rujnAiEpaecYA==
4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/99VyuYWTL4em95hpTViiyg==

4030	Nondiscrimination In Employment - https://simbli.eboardsolutions.com/SU/b6ULnUzCbXplusIMcJplusJrbqFA==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/FStvdhtDr0Q0u5KlcWHR5g==
4118	Dismissal/Suspension/Disciplinary Action - https://simbli.eboardsolutions.com/SU/3UgpoC1fW4B1plus2Vwx5Mi4g==
4119.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/jZtplusplusetksh2S1nslsh4fZ3E4Q==
4119.21	Professional Standards - https://simbli.eboardsolutions.com/SU/JKZe3DTplusjf1A4fk0sIYOQ==
4219.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/C1zoOGeVxjvGtOWkr1OWmg==
4219.21	Professional Standards - https://simbli.eboardsolutions.com/SU/N7WDSUslshMSslshiWDtjRvnABvQ==
4319.1	Civil And Legal Rights - https://simbli.eboardsolutions.com/SU/pw7HMIzdw8NHhYdMsAVKEg==
4319.21	Professional Standards - https://simbli.eboardsolutions.com/SU/q3BODXEqNMIVyh72120fGQ==
5141.4	Child Abuse Prevention And Reporting - https://simbli.eboardsolutions.com/SU/hlg1Ny7iuXwRzLmsrhwEIA==
5145.12	Search And Seizure - https://simbli.eboardsolutions.com/SU/tEHCaclpOjlvpa2efd0FNA==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/HS2jqQmcpirrVcOPcO1cA==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/hg8YrNfWlz9xowEWRGjf4A==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/rBQeKJ8CuSK3Vs2ghQlp6A==
5145.7	Sexual Harassment - https://simbli.eboardsolutions.com/SU/8uQACoOGLQW90jy5rRhSVw==
5145.9	Hate-Motivated Behavior - https://simbli.eboardsolutions.com/SU/9VqcQFGQvtC93eHXkr8uFg==
6144	Controversial Issues - https://simbli.eboardsolutions.com/SU/wTGAooyS1lg9S8K8MCaiJw==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/tc0CXLUQ6UslshQzDJkTBgBA==
9012	Board Member Electronic Communications - https://simbli.eboardsolutions.com/SU/TE8SIGPs2xjXPq1x75OKSQ==
9130	Board Committees - https://simbli.eboardsolutions.com/SU/mnZ0ZsrGhqVdkplussOfJ1qeg==
9200	Limits Of Board Member Authority - https://simbli.eboardsolutions.com/SU/6ejnLPMvDZSCmbydcxE5ZA==
9322	Agenda/Meeting Materials - https://simbli.eboardsolutions.com/SU/Pz4fpOZYixyY8l3gbcswqQ==
9323	Meeting Conduct - https://simbli.eboardsolutions.com/SU/APjtEUOFiCVVslshg2mRpluscug==